



Federal Communications Commission
Washington, D.C. 20554

May 1, 2009

DA 09-997

Mr. Richard E. Essen
8639-B 16th Street #354
Silver Spring, MD 20910

Re: File No. 0003679654

Dear Mr. Essen:

This letter is in response to your petition for reconsideration of the grant of the above-referenced application. For the reasons discussed herein, we deny your petition.

On December 22, 2006, Winfield C. Brantley surrendered amateur call sign W3ZD upon the grant of his application for a different call sign.¹ A surrendered call sign generally is not available to the vanity call sign system for two years, but Section 97.19(c)(3) of the Commission's Rules provides an exception for certain relatives of a deceased former holder of the call sign.² On December 10, 2008, Allan B. Corderman filed the above-referenced application for call sign W3ZD. In his application, he stated that he is the son of a deceased former holder of the call sign. Commission staff has verified that call sign W3ZD was previously held by Roy C. Corderman, now deceased. Allan B. Corderman's application was granted on December 30, 2008.

On January 8, 2009, you requested reconsideration of the grant. You argue that the application should not have been granted because the exception in Section 97.19(c)(3) applies only to close survivors of the most recent person to hold the call sign, and not to close relatives of any deceased prior holder. We disagree. When the Commission adopted Section 97.19(c)(3), it stated that it was granting priority to "close relatives of deceased holders," and did not say that the priority applied only to close relatives of certain deceased holders.³ The rule has always been interpreted to afford priority to close relatives of any deceased former holder. Consequently, we

¹ FCC File No. 0002836047.

² 47 C.F.R. § 97.19(c)(3).

³ See Amendment of the Amateur Service Rules to Implement a Vanity Call Sign System, *Report and Order*, PR Docket No. 93-305, 10 FCC Rcd 1039, 1040 ¶ 6 (1995); see also Amendment of the Amateur Service Rules to Implement a Vanity Call Sign System, *Memorandum Opinion and Order*, PR Docket No. 93-305, 10 FCC Rcd 11135, 11137 ¶ 9 (1995) ("The rules . . . permit a close relative to request the former call sign of a deceased licensee . . ."). In contrast, when the Commission amended the rule to permit amateurs to indicate *ante mortem* which club station they wished to receive their call sign *in memoriam* after their death, the Commission specifically stated that the procedure applied only with respect to the licensee who held the call sign at the time of his or her death. See Amendment of Part 97 of the Commission's Rules Governing the Amateur Radio Services, *Report and Order*, WT Docket No. 04-140, 21 FCC Rcd 11643, 11658 ¶ 31 (2006).

conclude that Allan B. Corderman's application was properly granted, and we dismiss your petition for reconsideration.

Accordingly, IT IS ORDERED that, pursuant to Sections 4(i) and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 405, and Section 1.106 of the Commission's Rules, 47 C.F.R. § 1.106, the petition for reconsideration filed by Richard E. Essen on January 8, 2009 IS DENIED.

This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131 and 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau

cc: Allan B. Corderman
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